



07-28-03

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1772

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Examiner:  
JAN ET AL. : Catherine A. Simone  
Serial No. 09/902,317 : Group Art Unit 1772  
Filing Date: 07/10/2001 : Attorney Docket No.:  
For: Light Weight Board of : IPC-110A  
Mechanical Strength and  
Process for Production Thereof

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Honorable Director of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

JUL 3 0 2003

OFFICE OF PETITIONS

RENEWED PETITION TO REVIVE UNDER 37 CFR 1.137(a)  
UNAVOIDABLE ABANDONMENT

Applicant hereby renews the petition for the revival of the present application and withdrawal of abandonment on the basis that the abandonment was unavoidable. In support thereof, attached hereto are the following:

1. Certification of Kenneth P. Glynn in support of unavoidable abandonment;
2. Response to Office Action, dated April 9, 2002;
3. Reinstatement fee of \$ 55.00.

07/30/2003 HANDED 00000078 09902317

01 FC:2452

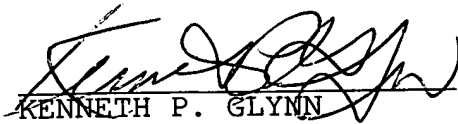
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It is believed that the above attachments and enclosures adequately support a favorable resolution of applicant's renewed Petition to Revive and an early and favorable response is earnestly solicited.

Respectfully submitted,

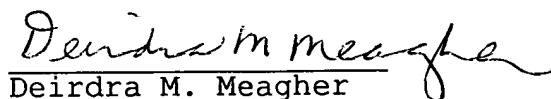
Dated: July 23, 2003

  
KENNETH P. GLYNN  
Attorney for Applicant  
24 Mine Street  
Flemington, NJ 08822  
(908) 788-0077 Tele  
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CERTIFICATION OF MAILING BY EXPRESS MAIL

The undersigned hereby certifies that this document was delivered to the United States Post Office in Flemington, New Jersey 08822 between 9:00 a.m. and 5:00 p.m. on July 25, 2003 as Express Mail. The undersigned further declares that this Certification is made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under applicable sections of United States law and that willful false statements made before the United States Patent and Trademark Office may jeopardize the validity of the application or issuing patent related thereto.

  
Deirdra M. Meagher

KPG:dmm  
cc: Raphael Li  
EM RRR ER 246009797 US

(Docket No. IPC-110A)  
(Serial No. 09/902,317)

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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Examiner:  
JAN ET AL. : Catherine A. Simone  
Serial No. 09/902,317 : Group Art Unit 1772  
Filing Date:07/10/2001 : Attorney Docket No.:  
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Mechanical Strength and  
Process for Production Thereof

Honorable Director of Patents and Trademarks  
Washington, DC 20231

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OFFICE OF PETITIONS

DECLARATION OF KENNETH P. GLYNN

I, Kenneth P. Glynn, declare as follows:

1. I am a registered patent attorney, Registration No.  
26,893.

2. I am a principal in the firm of Glynn & Associates,  
P.C., 24 Mine Street, Flemington, New Jersey 08822.

3. I am responsible for the prosecution of the above-  
identified United States Patent Application.

4. On March 29, 2002, Examiner Catherine Simone telephoned  
me to advise me of a Restriction Requirement in the above  
identified Patent Application. The Examiner required an  
election between Group 1, directed to product claims and  
Group 2 directed to process claims. I elected the product

claims (Group 1), without traverse.

5. I expected an Office Action, but never received one. On October 31, 2002, I received a telephone call from Examiner Catherine Simone. She advised me that my office had failed to respond to an Office Action. I advised her that we had not received an Office Action and that the Patent Office mailing system may have failed. She advised me that she would look into the situation and send me a copy of the Office Action. No Office Action was ever received.

6. During Thanksgiving week, November 2002, Examiner Simone called the undersigned and asked whether or not a response had been filed in this case. I told her that no response had been made. After I returned from my Thanksgiving holiday, I pulled the file and reconfirmed that no Office Action was received and, hence, no response was filed.

7. The Examiner had abandoned the case on November 27, 2002, after she spoke with me but before I had the opportunity to call her and once again ask her for a copy of the Office Action (April 9, 2002) that I never received.

8. It was the Patent Office error in failing to send the undersigned an Office Action that ultimately led to this unavoidable abandonment. Thus, the abandonment was not caused by this office and was unavailable.

9. We have an automated patent docketing system for tracking Communication receipts from the Patent and Trademark Office, and response due dates. When an Office Action is received in this office, the patent application file together with the Office Action, is directed to a docketing clerk, who inputs the Office Action mailing date and the time period for responding into a patent docketing database. At least once a week, a Patent Status Report is printed, which lists the status of each currently active patent application, i.e. those patent that need papers to be sent by a due date. A copy of a current Patent Status Report is attached hereto as Exhibit A.

10. From the date of April 9, 2002 through all the days thereafter, I reviewed the docket reports at least weekly and an Office Action, dated April 9, 2002 on the above-identified patent application was never listed.

11. Furthermore, an Office History Report on the present patent application, Attorney Docket No. IPC-110A, a copy of which is attached hereto as Exhibit B, does not show any history of an April 9, 2002 Office Action. The History Report lists all Office Actions by date. The only Office Actions shown in the history is our entry of the two dismissal of Petitions to Revive, dated February 4, 2003, and July 17, 2003. The Office Action dates are listed in descending order, and if we had received the Office Action of April 9, 2003, it would be listed

on below the two dismissals.

12. Thus, if our offices received the Office Action, dated April 9, 2003, it would have been docketed in our system, and the display of the Office Action and due date would have been listed both on our weekly Patent Status Report and on the History Report.

13. Moreover, I have conducted a search of the file jacket and docket records on the present invention, and have determined that the Office Action, dated April 9, 2002, was not received in our offices.

14. On December 17, 2002, I submitted a Petition to Revive based upon unavoidable abandonment. The Petition was dismissed on February 4, 2003 based upon the fact that a Response to the Office Action, dated April 9, 2002, was not in the file or submitted concurrently with the Petition.

15. In the decision, dated February 4, 2003, the Senior Petitions Attorney included a copy of the Office Action, dated April 9, 2002.


16. On July 9, 2003, I submitted another Petition to Revive based upon unavoidable abandonment. That petition resulted in a dismissal, dated July 17, 2003, for an inadequate showing of record for unavoidable delay.

17. I now respectfully submit that I have shown an adequate record for unavoidable delay. In addition, I now resubmit a response to the Office Action and include an Amendment and Response attached hereto. Thus, the case should be in order for allowance because of the Petition to Revive, and the Amendment and Response to the Office Action, dated April 9, 2003.

18. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: July 23, 2003

  
Kenneth P. Glynn  
Reg. No. 26,893  
Attorney for Applicant  
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Flemington, NJ 08822  
(908) 788-0077 Tele  
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Patent Status report as of 07/23/03  
 Current (Under 95 days)  
 Selected Statuses

CLIENT NAME	DOCKET NO	STATUS	REMINDER O REM/DUE DATE
[REDACTED], Inc.	ABD0010PCT	Office Action Pending	02/28/02
[REDACTED] Cor	FPC-103A	Final Rejection	07/10/03
[REDACTED]	CMW-101A	Office Action Pending	07/22/03
[REDACTED]	SCL-101A	Office Action Pending	08/09/03
[REDACTED] Inc.	SWD-118A	Office Action Pending	08/09/03
[REDACTED], II	HWE-107A	Office Action Pending	08/16/03
[REDACTED], Inc	CUI-101A	Office Action Pending	09/05/03
Inteplast Group, Ltd	IPC-110A	Office Action Pending	09/17/03
[REDACTED]	KJM-101A	Office Action Pending	10/02/03
[REDACTED]	JOV-105C	Final Rejection	10/07/03
[REDACTED]	PER-101A	Notice of Allowance Recvd	10/08/03
[REDACTED]	PNG-102C	Office Action Pending	10/10/03
[REDACTED]	JRH-101A	Office Action Pending	10/16/03

EXHIBIT A

Office Action History Report as of 07/23/03  
Client Name: Inteplast Group, Ltd. Docket No: IPC-110A  
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OA Date	OA Due Date	OA Response Sent Date	OA Client Notified Date
07/17/03	09/17/03	/ /	/ /
02/04/03	04/04/03	07/09/03	/ /



#12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Examiner:  
JAN ET AL. : CATHERINE A. SIMONE  
Serial No. 09/903,317 : GROUP Art Unit: 1772  
Filing Date: July 10, 2001 : Attorney Docket No.  
For: LIGHT WEIGHT BOARD OF : IPC-110A  
MECHANICAL STRENGTH AND  
PROCESS FOR PRODUCTION THEREOF

Honorable Director of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

AMENDMENT and RESPONSE

This is being filed in response to the Examiner's Office Action, dated April 9, 2002, in the above-identified patent application. The Office Action was never received by our offices until it was included in a decision on a Petition to Revive, dated February 4, 2003. In response to the decision, we are now submitting the following Amendment and Response.

Please amend the case as follows:

018070203HD/dmm-7

IN THE CLAIMS:

Please cancel claims 1 through 10, and, in their place, insert the following new claims 31 through 40:

21. A light weight hollow thermoplastic board, which comprises:

a first planar sheet;

a second planar sheet; and,

a plurality of ribs;

wherein said first planar sheet and said second planar sheet are spaced apart by and are interconnected by said ribs, said ribs being longitudinally extended and having shifted patterns.

22. The light weight hollow thermoplastic board of claim 21 wherein said ribs have shifted patterns in the form of sigmoid patterns.

23. The light weight hollow thermoplastic board of claim 21 wherein said board is constructed in an integral form.

24. The light weight hollow thermoplastic board of claim 21 wherein said ribs are positioned at right angles to said first planar sheet and said second planar sheet and create rectangular cross-sectioned passageways therebetween.

25. The light weight hollow thermoplastic board of claim 21 wherein said ribs are positioned at angles other than right angles to said first planar sheet and said second planar sheet and create trapezoidal cross-sectioned passageways therebetween.

26. The light weight hollow thermoplastic board of claim

21 wherein said ribs are arcuated and create elliptical cross-sectioned passageways therebetween.

27. The light weight hollow thermoplastic board of claim 21 wherein said ribs are arcuated and create a circular cross-sectional passageways therebetween.

28. The light weight hollow thermoplastic board of claim 21 wherein said ribs are u-shaped.

29. The light weight hollow thermoplastic board of claim 21 wherein said board is made of a thermoplastic polymer selected from the group consisting of olefins, styrenes, vinyl chlorides, acrylics, polycarbonates and ethylene terephthalates.

30. The light weight hollow thermoplastic board of claim 29 wherein said thermoplastic polymer is selected from

the group consisting of polypropylenes, linear polyethylene, branched polyethylene and copolymers thereof.

#### REMARKS

Claims 1 through 20 were originally submitted for examination. Examiner Simone determined that there was a restriction requirement requiring election between Group I - claims 1 through 10 and Group II - claims 11 through 20. In a telephone conversation with Applicants' attorney Kenneth P. Glynn on March 28, 2002, provisional was made without traverse to prosecute the invention of Group I, claims 1 through 10.

In addition, she objected to claim 9 for informality.

Furthermore, the Examiner rejected claims 1, 3, 4, 9 and 10 under 35 U.S.C. §102(b) as being anticipated by Ho et al., U.S. Patent No. 5,658,644. In addition, the Examiner rejected claim 2 35 U.S.C. §103(a) as being unpatentable over Ho et al., U.S. Patent No. 3,509,005 in view of Hartig (3,509,005). Moreover, the Examiner rejected claims 5 through 8 under 35 U.S.C. §103(a) as being unpatentable over Ho et al., U.S. Patent No. 3,509,005 in view of Kawamura (3,274,315).

#### I. Election/Restrictions

The Applicants herein affirm the election without



traverse to prosecute the invention of Group 1, claims 1 through 10.

## II. Claim Objections

Applicants believe the amendment to claim 29 overcomes the Examiner's objection.

## III. Claim Rejections - 35 U.S.C. §102

The Examiner rejected claims 1, 3 , 4, 9 and 10 under 35 U.S.C. §102(b) as being anticipated by Ho et al., (U.S. Patent No. 5,658,644. Regarding claim 1, the Examiner stated that Ho et al. discloses a light weight hollow thermoplastic board, which comprises all of the features of Claim 1 of the present invention. Regarding claim 3, she stated that Ho et al. shows the board being constructed in an integral form. Regarding claim 4, the Examiner continued that the ribs are positioned at right angles (Fig. 2) to the first planar sheet and the second planar sheet and create rectangular cross-sectioned passageways therebetween (see col. 2, lines 55-60). Regarding claims 9 and 10, the Examiner stated that Ho et al. shows note board being made of a thermoplastic polymer selected from the groups as recited in the claims of the present invention.

In response, the Applicants respectfully submit that the

present invention is not anticipated by the Ho et al. disclosure. While the Ho et al. patent discloses ribs being longitudinally extended, the patent is silent on ribs having shifted patterns. Thus, claim 21 of the present invention recites a feature, which is lacking in the Ho et al. disclosure. Therefore, the Applicants respectfully submit that claims 21, 23, 24, 29 and 30 are not anticipated by Ho et al.

IV. Claim Rejections - 35 U.S.C. §103  
Ho et al. in view of Hartig

The Examiner rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Ho et al. (5,658,644) in view of Hartig (3,509,005). Examiner Simone stated that Ho et al. discloses a light weight hollow thermoplastic board with the features as described by claims 1 under section II herein above. However, she continued that Ho et al. fails to disclose the ribs having shifted patterns in the form of sigmoid patterns. The Examiner stated that Hartig teaches that it is known in the art to have ribs having shifted patterns in the form of sigmoid patterns for the purpose of forming a light weight hollow thermoplastic board. She concluded that it would have been obvious to one of ordinary skill in the art at the time the Applicants' invention was made to have modified the ribs in Ho et al.

to have shifted patterns in the form of sigmoid patterns as suggested by Hartig in order to form a light weight hollow thermoplastic board.

In response, with regard to the Examiner's finding of obviousness, the Applicants reiterate the arguments submitted in regard to Ho et al. discussed in Section III herein above. The Applicants further respectfully submit the combination with Hartig fails to prove a prima facie case of obviousness for the following reasons. First, the art of Hartig is different from the art of Ho et al. And second, the combination of Ho et al. with Hartig lacks motivation.

First, the art of Hartig is different from the art of Ho et al. The Hartig patent discloses an integrally molded first sheet with a plurality of ribs extending from the surface of the sheet. A second sheet is bonded to the first sheet by bringing the two sheets under heat-softened conditions such that the two sheets heat bond to each other. The joints of the two sheets represent naturally weak points. In contrast to this, the Ho et al. disclosure includes a board that is inherently constructed in an integral form without having the weak joints of the Hartig invention. The Applicants respectfully submit that one skilled in the art of integrally formed boards would not

use the art of two sheets heat bonded to each other for information on how to form ribs because integrally formed boards are inherently more stable than two sheets that are heat bonded to each other.

Second, the combination of Ho et al. with Hartig lacks motivation. Either Ho et al. must suggest the use of different shapes for ribs as shown in Hartig or Hartig must suggest the use of an integrally formed board. No such suggestion is shown in either case. Ho et al. specifically calls for longitudinally extending ribs that have parallel sides. There is no statement of varying rib shapes, not to mention sigmoid patterns. Furthermore, Hartig specifically calls for two sheets that are heat molded or glued. There is no mention or suggestion of integrally formed boards. Thus, the Applicants respectfully submit that the combination lacks motivation.

V. Claim Rejections - 35 U.S.C. §103  
Ho et al. in view of Kawamura

The Examiner rejected claims 5 through 8 under 35 U.S.C. §103(a) as being unpatentable over Ho et al. (5,658,644) in view of Kawamura (3,274,315). Examiner Simone stated that Ho et al. discloses a light weight hollow thermoplastic board with the features as described by claims 1 under section II herein above. However, she

continued that Ho et al. fails to disclose the ribs creating trapezoidal, elliptical, circular, and u-shaped cross-sectional passageways between the first planar sheet and the second planar sheet. The Examiner stated that Kawamura teaches that it is known in the art to have ribs creating trapezoidal, elliptical, circular, and u-shaped cross-sectional passageways between the first planar sheet and the second planar sheet for the purpose of forming a light weight hollow thermoplastic board. She concluded that it would have been obvious to one of ordinary skill in the art at the time the Applicants' invention was made to have modified the ribs in Ho et al. to create trapezoidal, elliptical, circular, and u-shaped cross-sectional passageways as suggested by Kawamura in order to form a light weight hollow thermoplastic board.

In response, with regard to the Examiner's finding of obviousness, the Applicants reiterate the arguments submitted in regard to Ho et al. in Section III herein above, and further respectfully submit that the combination with Kawamura fails to prove a prima facie case of obviousness for the following reasons. First, the trapezoidal, elliptical, circular, and u-shaped cross-sectional passageways of the present invention are

different from the various-shaped cross-sectional passageways of Kawamura. And second, the combination of Ho et al. with Kawamura lacks motivation.

First, the trapezoidal, elliptical, circular, and u-shaped cross-sectional passageways of the present invention are different from the various-shaped cross-sectional passageways of Kawamura. As shown in the Kawamura disclosure, the passageways made from various shapes are in straight linear alignment, i.e. there is no shifting patterns of the ribs. In contrast to this, the present invention includes shifted patterns of the ribs, as defined in claim 21, causing the shape of the passageways to be askew or twisted. Figure 4 of the present invention shows a view of the shape of the shifted patterns of the ribs in more detail. The combination of Ho et al. and Kawamura would omit the shifted patterns of the ribs. Thus, the Applicants respectfully submit that the Kawamura disclosure does not teach shifted ribs, as does the present invention. Therefore, Kawamura should be removed as a reference.

And second, the combination of Ho et al. and Kawamura lacks motivation. Either Ho et al. must suggest the use of different shapes for cross-sectional passageways or Kawamura must suggest the use of shifted patterns for ribs. No such suggestion is shown in either case. Ho et al. specifically calls for longitudinally extending ribs. The

passageways are square-shaped with rounded corners. There is no statement of varying shapes of passageways. Furthermore, Kawamura specifically calls for ribs that create passageways that extend straight back within the board. There is no mention or suggestion of shifted patterns for ribs. Moreover, Kawamura shows no disclosure of ribs creating trapezoidal passageways. Thus, the Applicants respectfully submit that the combination lacks motivation, and should be removed as a reference.

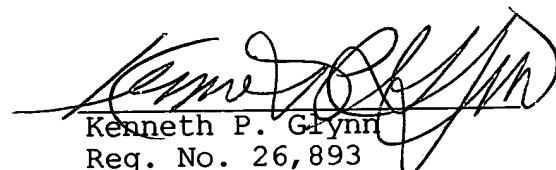
CONCLUSION

In view of the above amendments to the claims, and further in view of the above remarks, all of the claims are believed to be allowable and an early and favorable response is earnestly solicited.

Thank you.

Respectfully submitted,

Dated: July 23, 2003

  
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